

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-2, 6-14, and 18-25 are pending. Claims 1, 13 and 25 are amended. Claims 1 and 13 are independent. Support for this amendment is provided throughout the Specification as originally filed, and specifically at page 10 (lines 16-21), page 11 (lines 3-13), page 13 (lines 5-13) and page 14 (lines 6-9).

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1, 7-9, 13, and 19-21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,838,383 (Chimoto) in view of the newly cited U.S. Patent 5,617,541 (Albanese).

Claims 6 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chimoto in view of Albanese, and further in view of U.S. Patent No. 6,198,479 (Humbleman).

Claims 2, 10-12, 14, and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chimoto in view of Albanese and further in view of U.S. Patent 6,469,742 (Trovato)

It is respectfully submitted, Chimoto does not disclose the following features recited in claim 1 (and also found in claim 13):

a host processing block for controlling said digital processing apparatus by outputting a command of a high layer, not dependent on hardware structure and not on a real time basis;

\*\*\*

... said processing unit of each of said digital signal processing blocks interprets and executes said command and operates said cooperating hardware in accordance with said command,

wherein said data of streams may be assigned high priority higher than said command.

As described in Chimoto, CPU 313 controls the components of receiver 301 and can change the parameters of decoder 303, receiving module 304, depacket module 305, cable module 306 and MPEG modules 307, 308 by transferring data to these modules via DMA 312 (col. 7, lines 61-67 of Chimoto). Importantly, there is no description or suggestion in Chimoto that this transferred data, which, it is presumed, the Examiner construes as corresponding to Applicants' claimed "command," is a "command of a high layer, not dependent on hardware structure and not on a real time basis." Chimoto describes, at col. 8, lines 58-67, the operation of Chimoto's television receiver to receive NTSC analog TV signals:

When the user operates the remote controller to designate the receipt of NTSC analog TV signals of the channel the user has selected. The remote controller generates and transmits remote control data designating the receipt of NTSC analog TV signals of the selected channel, to the television receiver 301. In the receiver 301, the data controller 309 receives the remote control data and supplies the data to the bus 302. The CPU 313 receives the remote control data and transfers parameters to the NTSC decoder module 303 via the DMA device 312

and the bus 302. Once these parameters are set in the NTSC decoder module 303, the module 303 can receive and process NTSC analog TV signals.

It is clear from the foregoing, Chimoto's CPU 313 does not output a command "of high layer" because the output of CPU 313 *executes* the command to operate module 303. CPU 313 operates the very same way with the other modules of Chimoto's receiver 301. Consistent with the operation of CPU 313, Chimoto does not describe, and there is no reason for Chimoto to include, a processing unit in each block to interpret and execute the high layer command from the host processing block to operate the hardware with which that block cooperates in accordance with that high layer command. Applicants' representative respectfully disagrees with the Examiner's interpretation of Chimoto and does not agree that the portions of Chimoto particularly relied upon by the Examiner and noted at the top of page 3 of the Office Action teach that CPU 313 outputs a command of a high layer and not on a real time basis, for the reasons noted above.

The Examiner agrees that Chimoto does not teach that the data of streams may be assigned high priority, but points to Albanese to cure this deficiency. But, Albanese relates to the priority of MPEG data that includes I-pictures, P-pictures and B-pictures. This is not the same as priority of data of streams. Rather, Albanese describes "priority data 130, stored in the memory 120, represents a plurality of assigned priority levels for specified portions of the message 122;" (col. 5, lines 23-25 of Albanese) and "blocks 170 have separately assigned fractional priority values p1, p2, p3" (col 6, lines 47-49). Claim 1, however, recites: "said data of streams may be assigned high priority higher than said command" where the command is not on a real time basis.

Thus, the combination of Chimoto and Albanese fail to suggest all of the claimed features recited in Applicants' claim 1. Consequently, claim 1 is unobvious over the combination of Chimoto and Albanese; and the withdrawal of the rejection of this claim is respectfully requested.

Claim 13 recites features similar to claim 1 and, therefore, claim 13 is patentably distinct over the combination of Chimoto and Albanese for those reasons mentioned above. In particular, claim 13 recites:

said command being of a high layer, not dependent on hardware structure and not on a real time basis;

said processing unit of each of said digital signal processing blocks interprets and executes said command, operates said cooperating hardware in accordance with said command ... and

wherein said data of streams may be assigned high priority higher than said command.

As discussed above, these features are not suggested by the combination of Chimoto and Albanese.

The remaining claims in this application depend, either directly or indirectly, from claim 1 or from claim 13 and are therefore patentable for at least the same reasons discussed above in connection with claims 1 and 13. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Therefore, it is respectfully submitted that claims 1, 2, 6-14 and 18-25, all the claims remaining in this application, are patentably distinct over the cited prior art and are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the

Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that this application is in condition for allowance and request early notice to this effect.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800